

PUBLIC NOTICE

INDUSTRIAL COMMISSION OF THE TOWNSHIP OF LAKEWOOD

REQUEST FOR PROPOSAL “TENANT TO LEASE AND OPERATE THE STRAND THEATER”

RESPONSE SUBMISSION DATE: Wednesday, November 30, 2022 by 1:00 p.m..

PLEASE TAKE NOTICE that the Lakewood Industrial Commission hereby solicits proposals for the above listed matter.

Proposals must be submitted to and received by the Executive Director of the Lakewood Industrial Commission by **Wednesday, November 30, 2022 at or before 1:00 p.m. (EST).**

The Lakewood Industrial Commission requires that two (2) hard copies and one (1) digital copy of the response to this Request for Proposals must be provided to the Lakewood Industrial Commission, 231 Third Street, Municipal Building, Lakewood, NJ 08701, no later than 1:00 p.m. on November 30, 2022. The requested digital copy may be emailed to LIC@lakewoodnj.gov within the above time frames but will not be accepted in lieu of the hard copies required.

Hard copies of responding Proposals must be submitted in sealed envelopes with the title of the “Request for Proposal” clearly marked on the outside. Late submissions will not be accepted. The Commission accepts no responsibility for delays. It is the respondent’s responsibility to ensure that its proposal is received prior to the deadline. Hard copies of Proposals will not be accepted by facsimile or e-mail.

Any questions or inquiries regarding this Request for Proposal must be made in writing no later than November 22, 2022, Lakewood Industrial Commission, 231 Third Street, Municipal Building, Lakewood, NJ 08701 or to the following email address: LIC@lakewoodnj.gov. Please make sure to include the name of the solicitation for this RFP in the subject line of the email. After 5:00 p.m. on November 22, 2022, no additional questions or inquiries regarding this Request for Proposal will be entertained. Kindly collate all questions into one document. Multiple submissions by one respondent may not be answered.

The criteria and appropriate proposal documents shall also be made available on the Township’s website at www.lakewoodnj.gov.

By Order of
Steven Reinman
Executive Director
Lakewood Industrial Commission

Lakewood Township Industrial Commission
231 Third Street
Lakewood, New Jersey 08701

REQUEST FOR PROPOSALS (RFP)

for

TENANT TO LEASE AND OPERATE THE STRAND THEATER

ISSUED DATE: October 28, 2022

DUE DATE: November 30, 2022

Steven Reinman, Executive Director

Lakewood Industrial Commission
231 Third Street
Lakewood, New Jersey 08701

REQUEST FOR PROPOSALS

TENANT TO LEASE AND OPERATE THE STRAND THEATER

I. OVERVIEW & GENERAL INFORMATION

The Lakewood Industrial Commission (“Commission”) is requesting proposals from experienced vendors (minimum of five (5) years’ experience by the firm or by key firm employees in the operation of theater management) to operate, maintain, and manage the Strand Theater. The vendors will be leasing the theater for the entirety of the lease period and be responsible for all day-to-day operations.

II. PROCEDURE AND SCHEDULE OF EVENTS

The proposals will be evaluated in accordance with the Competitive Contracting (N.J.S.A.40A:11-4.1 et seq.) procedures of the Local Public Contracts Law. The Commission shall not be responsible for any costs or expenses associated with the preparation of any proposal submitted in response to this Request for Proposals. The Commission reserves the right, in accordance with the Local Public Contracts Law, to supplement, amend, or otherwise request additional information from Respondents. The Commission reserves the right to reject any or all proposals, to change the procurement process or schedule at any time, or to abandon the project for any reason. Any information submitted which has been determined to be false will constitute immediate disqualification and rejection of the proposal.

The Commission reserves the right to investigate, contact, or otherwise inquire as to the accuracy and completeness of any and all information furnished by the respondent. The respondent shall be fully liable for any inaccuracies, omissions, and misstatements in its supporting documentation.

No proposal shall be deemed accepted or a contract awarded until the public adoption of a resolution to that effect by the Board of Commissioners of the Commission.

A. Questions / Inquiries

Any questions or inquiries regarding this Request for Proposal must be made in writing no later than November 22, 2022, Lakewood Industrial Commission, 231 Third Street, Municipal Building, Lakewood, NJ 08701 or to the following email address: LIC@lakewoodnj.gov Please make sure to include the name of the solicitation for this RFP in the subject line of the email. After 5:00 p.m. on November 22, 2022, no additional questions or inquiries regarding this Request for Proposal will be entertained. Kindly collate all questions into one document. Multiple submissions by one respondent may not be answered.

B. Proposal Response

Two (2) hard copies and one (1) digital copy of the response to this Request for Proposals must be provided to the Lakewood Industrial Commission, 231 Third Street, Municipal Building, Lakewood, NJ 08701, no later than 1:00 p.m. on November 30, 2022. Requested digital copy may be emailed to LIC@lakewoodnj.gov within the above time frames but will not be accepted in lieu of the hard copies required.

Hard copies of Proposals must be submitted in sealed envelopes with the title of the Request for Proposal clearly marked on the outside. *Late submissions will not be accepted.* The Commission accepts no responsibility for delays. It is the respondent's responsibility to ensure that its proposal is received prior to the deadline. Hard copies of Proposals will not be accepted by facsimile or e-mail.

Evaluation Criteria

The award of the contract shall be at the sole discretion of the Commission. Pursuant to N.J.S.A. 40A:11-4.4(b) and N.J.A.C. 5:34-4.2, the award of this competitive contract shall be based on an evaluation of the proposals as to technical, management, substantive, responsibility and rent bid related criteria. The Commission reserves the right to enter into any contract deemed to be in the best interest of the Commission. The Commission shall weigh various factors including experience, capability, skill, quality of the proposal, and price. Each proposal submission will be independently evaluated, and selection will be made using the criteria listed below.

- 1) Responsiveness: This area of the evaluation criteria examines all of the forms and certificates the Commission asks the respondent to submit (e.g., The Business Registration Certificate; the Stockholder Disclosure

Form). The Commission will review these submissions. If an item has been deemed mandatory and it is not submitted by the respondent, then that respondent's submission shall be deemed non-responsive. The omission of an item that is not designated as mandatory may be curable. If so, the respondent shall be notified of any deficiencies, and provided with a date-certain by which the item may be cured. These items shall be reviewed by the Commission's legal counsel. Only after this review is done will the fully-responsive submissions be given to the Evaluation Committee members for their review and scoring.

- 2) Management Criteria: This portion of the evaluation criteria will examine the respondent's training, qualifications, and experience in providing the desired services.
- 3) Responsibility and Experience Criteria: This portion of the evaluation criteria shall examine the respondent's industry or progress experience. The vendor's documentation of experience in performing similar work.
- 4) Rent Bid Criteria: This portion of the evaluation criteria will examine the respondent's submitted rent bid offer. Note: The Commission is not obligated to award a contract to the respondent who submits the highest price. The offer pertains to a rental amount that the respondent agrees to pay the Lakewood Industrial Commission in exchange for leasing and operating the Strand Theater.

C. Duration of Contract and Contract Termination

The contract to be awarded pursuant to this Request for Proposal shall be for a term of five (5) years, which will be structured in an initial 2-year term and renewals by mutual consent.

The Lakewood Industrial Commission reserves the right to terminate the contract with the successful vendor if the vendor fails to uphold any of its duties listed below or engages in conduct that threatens the overall operation of the Strand Theater. The Lakewood Industrial Commission further reserves the right to terminate this contract if the successful vendor is unable to obtain the Special Concessionaire Permit from the Alcoholic Beverage Control Division and enter into a contract with the Lakewood Industrial Commission to sell alcohol on the premise. The Lakewood Industrial Commission will not seek any revenue earned from sale of the alcohol.

III. GENERAL SCOPE OF SERVICES

- 1) The successful vendor is responsible for overseeing all logistical and administrative processes pertaining to all shows, events, and performances.
- 2) In charge of all day-to-day operations.
- 3) Have knowledge and at least five (5) years of proven experience in the management of a Theater in an entertainment setting.
- 4) Responsible for maintaining and enforcing health codes and safety procedures.
- 5) Ability to obtain and maintain a Special Concessionaire Permit from the Alcoholic Beverage Control Division in accordance to N.J.A.C. 13:2-5.2.
- 6) Operate the theater as an entertainment venue with proper regard for content and appropriateness in relation to the community.
- 7) Maintain the historic theater in pristine form and provide periodic updates.
- 8) Provide all general maintenance contained in Addendum A.

IV. RFP RESPONSE FORMAT

All responses shall be submitted in the following format. Each section must be tabbed and labeled.

1) Letter of Introduction

- a. The letter of introduction shall include a company profile and your market as it relates to this Request for Proposal. The letter of introduction shall include a history of the company, detailing the number of years it has been in business under its present name and the number of years the company has been under the current management.
- b. Provide a description of the business organization (i.e., corporation, partnership, business venture, etc.) of your firm and its ownership. Provide the names and business addresses of all Principals of the firm submitting the Request for Proposal. For purposes of this Request for Proposal, "Principals" mean persons possessing an ownership interest in the respondent. If the respondent is a corporation, "Principals" shall include each investor who would have any amount of operational control over the respondent and every stockholder having an ownership interest of 10 % or more in the organization.

- c. If the organization is a partially owned or a wholly-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parent company's approval rights over the activities of the firm submitting the Request for Proposal.
- d. If the respondent is a partnership or similar organization, provide comparable information as required above for each member of the partnership or similar organization.

2) Professional & Company Information

- a. All proposals shall include resumes of all employees to be assigned to this Commission contract, setting forth their education, qualifications, experience, and training. All referred certifications and licenses in employees' resumes shall be provided. Resumes shall include employees' length of service with respondent. Employees shall have demonstrable experience in supporting the work described herein.
- b. The respondent shall provide a current table of organization.
- c. The respondent shall provide a client list of its current and recent (within the last five years) projects, facilities, agencies, etc. which your firm is now serving with a description and scope of work of each project. The client list must include company name and address, company subdivision, department or office, contract starting and ending time periods, contact name(s), their phone and fax numbers.
- d. The submission shall include a list of all current and recent (within last five years) governmental agency clients within the State of New Jersey with a description and scope of work of each project. The government agency client list must include agency name and address, agency subdivision, department or office, contract starting and ending time periods, contact name(s), their phone and fax numbers.
- e. Provide the Commission with a list of three (3) professional references that are not clients. The professional references must include company name and address, company subdivision, department or office, contact name(s), their phone and fax numbers.
- f. The respondent shall list all immediate relatives of its Principal(s) who are Lakewood Township employees or elected officials or employees of the Commission. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation. If the

Principal(s) have no immediate relatives employed or elected, it must be stated as so.

- g. The respondent shall provide a complete history of any legal filings or litigation your company is or has been involved in. Please include the caption, docket number, nature of the allegation, or, in cases that were settled, the amount and nature of the settlement. This list shall include litigation related to your company and/or its principals. Please disclose any past or current proceedings, actions, orders or other stipulations against the responding contractors by federal or state regulatory agencies. Please disclose any material judgments, decrees, stipulations, arbitrations, investigations, labor disputes, other administrative proceedings or claims threatened against or affecting your business, its financial condition or its assets which may alter the terms and conditions of your proposal to the Commission.
- h. The successful respondent shall undergo a criminal background check encompassing all four levels of government, including federal, state, county and municipal.

3) Profile of Services

A profile of the services and approach to management of this project must be set forth in this section. This must include a detailed description of your experience as it relates to the scope of services. The profile of services and management approach to this contract shall be supplied in a manner that allows the Commission to understand your firm's offerings, your approach to management, and should support your letter of introduction.

The Strand Theater has a main stage with a capacity of approximately 1100 seats. In addition, a smaller more intimate setting called the Gallery seats approximately 80 people in a configurable room suited for smaller acts and dinner theater style programs. Please address plans for each area of the facility and how they could be best utilized.

Proposing entity acknowledges that the LIC retains the right to veto any proposed act which is not deemed to be appropriate to the venue or meet community standards which have governed the content presented at this theater.

Community uses will be accommodated and successful proposer will cooperate with facilitating such events. LIC/Lakewood Township will be the referrer for said events and uses.

4) Pricing Designation

Interested applicants shall submit a rent bid offer to provide all services included herein.

5) Required Documents & Forms:

A. MANDATORY EEO/AFFIRMATIVE ACTION EVIDENCE

No firm shall be issued a contract unless it complies with the affirmative action provisions of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27-1 et seq. as administered by the Division of Purchase & Property Contract Compliance and Audit Unit (Division) and provided below. The contract shall include the language included as Attachment A in this specification.

The successful respondent shall submit to the public agency, after notification of award but prior to execution of this services contract, one of the following three documents:

- i. A Letter of Federal Approval indicating that the vendor is under an existing federally approved or sanctioned affirmative action program. A copy of the approval letter shall be provided by the vendor to the Public Agency and the Division. This approval letter is valid for one year from the date of issuance.
- ii. A Certificate of Employee Information Report (hereafter "Certificate"), issued in accordance with N.J.A.C. 17:27-1 et seq. The vendor shall provide a copy of the Certificate to the Public Agency as evidence of its compliance with the regulations. The Certificate represents the review and approval of the vendor's Employee Information Report, Form AA-302 by the Division.
- iii. The successful respondent shall complete an Initial Employee Report, Form AA-302 and submit it to the Division with a check or money order for \$150.00 made payable to "Treasurer, State of NJ" and forward a copy of the Form to the Public Agency. Upon submission and review by the Division, the Report shall constitute evidence of compliance with the regulations.

B. AMERICANS WITH DISABILITIES ACT

Discrimination based on disability in contracting for the purchase of goods or services is prohibited. If awarded the contract, the respondent is required to comply with requirements related to the Americans with Disabilities Act as provided in this specification.

C. STATEMENT OF OWNERSHIP

N.J.S.A. 52:25-24.2 provides that no business organization, regardless of form of ownership shall be awarded any contract for the performance of any work or the furnishing of any goods and services, unless, prior to the receipt of the bid or accompanying the bid of said business organization, bidders shall submit a statement setting forth the names and addresses of all persons and entities that own ten percent (10%) or more of its stock or interest of any type at all levels of ownership. The disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner, and member exceeding the ten percent ownership, has been listed.

The included Statement of Ownership shall be completed and attached to the proposal. This requirement applies to all forms of business organizations, including, but not limited to, corporations and partnerships, publicly-owned corporations, limited partnerships, limited liability corporations, limited liability partnerships, sole proprietorship, and Subchapter S corporations. Failure to submit a disclosure document shall result in rejection of the proposal as it cannot be remedied after proposals have been opened.

Not-for-profit entities should fill in their name, check the not-for-profit box, and certify the form. No other information is necessary.

D. NEW JERSEY BUSINESS REGISTRATION

Pursuant to N.J.S.A. 52:32-44, the Lakewood Industrial Commission is prohibited from entering into a contract with an entity unless the proposer and each subcontractor that is required by law to be named in a proposal/contract has a valid Business Registration Certificate on file with the Division of Revenue and Enterprise Services within the Department of the Treasury.

Prior to contract award or authorization, the contractor shall provide the Lakewood Industrial Commission with its proof of business registration and that of any subcontractor(s). Subcontractors named in a bid or other proposal shall provide proof of business registration to the respondent, who in turn, shall provide it to the Contracting Agency prior to the time a contract, purchase order, or other contracting document is awarded or authorized.

During the course of contract performance:

- (1) the contractor shall not enter into a contract with a subcontractor unless the subcontractor first provides the contractor with a valid proof of business registration.
- (2) the contractor shall maintain and submit to the Contracting Agency a list of subcontractors and their addresses that shall be updated from time to time.
- (3) the contractor and any subcontractor providing goods or performing services under the contract, and each of their affiliates, shall collect and remit to the Director of the Division of Taxation in the Department of the Treasury, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into the State. Any questions in this regard can be directed to the Division of Taxation at (609)292-6400. Form NJ-REG can be filed online at www.state.nj.us/treasury/revenue/busregcert.shtml.

Pursuant to N.J.S.A. 54:49-4.1, a business organization that fails to provide a copy of a business registration as required, or that provides false business registration information, shall be liable for a penalty of \$25.00 for each day of violation, not to exceed \$50,000, for each proof of business registration not properly provided under a contract with a contracting agency.

E. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

N.J.S.A. 52:32-55 prohibits State and local public contracts with persons or entities engaging in certain investment activities in energy or finance sectors of Iran. Respondents shall indicate if they comply with the law by certifying on the attached form. Pursuant to N.J.S.A. 40A:11-2.1 Commission is required to notify the New Jersey Attorney General if it determines a false certification has been submitted.

The certification required shall be executed on behalf of the applicable person or entity by an authorized officer or representative of the person or entity.

F. DOCUMENT CHECKLIST

Respondent shall complete and sign the Document Checklist and include it in the submission.

G. NON- COLLUSION AFFIDAVIT

To ensure that the respondent has not participated in any collusion, directly or indirectly, with any other respondent or public entity representative, or otherwise taken any action in restraint of free and competitive contracting, all respondents shall properly execute and submit the attached Non-Collusion Affidavit with the proposal. The Affidavit required shall be executed on behalf of the applicable person or entity by an authorized officer or representative of the person or entity.

H. INSURANCE REQUIREMENTS

During the life of this Contract, the vendor and its subcontractors shall maintain the following insurance coverages:

1. Professional Liability Practice Policy, including Errors and Omissions, with limits of \$2,000,000 per claim and \$3,000,000 aggregate; and
2. Commercial General Liability Insurance with limits of \$1,000,000 per occurrence and \$3,000,000 aggregate. The Commission and its staff shall be named as additional insured; and
3. Workers Compensation Insurance at statutory limits; and
4. Automobile Liability Insurance with limit of \$1,000,000 per occurrence combined single limit; and
5. Non-Owned Automobile Liability Insurance, including coverage for hired and leased vehicles, with limits of \$1,000,000 per occurrence.

I. INDEMNIFICATION

The vendor shall indemnify and save harmless, the Commission and the Commission's agents, and employees, from and against all losses and claims, demands, payments, suits, actions, recoveries, and judgments of every nature and description brought or recovered against them by reasons of any act or omission by them, their subcontractors, their agents, or their employees, in the execution of the work or in guiding same. Proof of coverage shall be provided prior to execution of Agreement with the Commission.

PROPOSAL DOCUMENT SUBMISSION CHECKLIST

_____	Rent Bid Offer
_____	Ownership Disclosure Form
_____	New Jersey Business Registration Certificate
_____	Affidavit of Non-Collusion
_____	Affirmative Action requirements
_____	New Jersey Business Registration Certificate
_____	Disclosure of Investment Activities in Iran
_____	Certified Sworn Statement on Non- Disbarment/Disqualification/Suspension

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

**AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27**

**GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)**

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

- (a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);
OR
- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4;
OR
- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

AMERICANS WITH DISABILITIES ACT OF 1990
Equal Opportunity for Individuals with Disability

The contractor and the _____ of _____, (hereafter "owner") do hereby agree that the provisions of Title 11 of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. S121 01 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant there unto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the owner pursuant to this contract, the contractor agrees that the performance shall be in strict compliance with the Act. In the event that the contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the contractor shall defend the owner in any action or administrative proceeding commenced pursuant to this Act. The contractor shall indemnify, protect, and save harmless the owner, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the owner's grievance procedure, the contractor agrees to abide by any decision of the owner which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the owner, or if the owner incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The owner shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of the claim, If any action or administrative proceeding is brought against the owner or any of its agents, servants, and employees, the *owner shall* expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the owner or its representatives.

It is expressly agreed and understood that any approval by the owner of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this Agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of
Organization: _____

Organization Address: _____

Part I Check the box that represents the type of business organization:

- ☐ Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
☐ Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
☐ For-Profit Corporation (any type) ☐ Limited Liability Company (LLC)
☐ Partnership ☐ Limited Partnership ☐ Limited Liability Partnership (LLP)
☐ Other (be specific): _____

Part II

☐ The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

☐ No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Home Address (for Individuals) or Business Address

Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. Attach additional sheets if more space is needed.

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #’s

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II **other than for any publicly traded parent entities referenced above**. The disclosure shall be continued until names and addresses of every non-corporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. Attach additional sheets if more space is needed.

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Home Address (for Individuals) or Business Address

Part IV Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the Lakewood Industrial Commission is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts Lakewood Industrial Commission to notify the Commission in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the Commission, permitting the Commission to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):		Title:	
Signature:		Date:	

To be completed, signed and returned with proposal.
LAKEWOOD INDUSTRIAL COMMISSION DEPARTMENT OF ECONOMIC DEVELOPMENT
STATE OF NEW JERSEY
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

PART 1: CERTIFICATION
BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders **must** review this list prior to completing the below certification. **Failure to complete the certification will render a bidder's proposal non-responsive.** If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party

PLEASE CHECK THE APPROPRIATE BOX:

☐ I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. **I will skip Part 2 and sign and complete the Certification below.**

OR

☐ I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.

PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION.

Name: _____	Relationship to Bidder/Offoror _____
Description of Activities _____ _____	
Duration of Engagement _____	Anticipated Cessation Date _____
Bidder/Offoror Contact Name _____	Contact Phone Number _____

Certification: I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder; that the State of New Jersey and the Lakewood Industrial Commission are relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State and Lakewood Commission to notify the State and the Lakewood Industrial Commission in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the State and/or the Lakewood Industrial Commission, permitting the State and/or the Lakewood Industrial Commission to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____ Signature: _____

NON-COLLUSION AFFIDAVIT

State of New Jersey

County of _____

SS:

I, _____ residing in

(name of affiant)

(name of municipality)

in the County of _____ and State of

_____ of full age, being duly sworn according to law on my oath depose and say that:

I am _____ of the firm of

(title or position)

(name of firm)

_____ the bidder making this Proposal for the bid

entitled _____, and that I executed the said proposal with

(title of bid proposal)

full authority to do so that said bidder has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the _____ relies upon the truth of the statements

contained in said Proposal

(name of contracting unit)

and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

_____.

Subscribed and sworn to

before me this day

Signature

_____, 20____

(Type or print name of affiant under signature)

Notary public of

My Commission expires _____
(Seal)

**CERTIFIED SWORN STATEMENT ON NON-
DISBARMENT/DISQUALIFICATION/SUSPENSION**

I, _____ of the _____ of in the county of _____ State of _____ of full age, being duly sworn according to law on my oath depose and say that: I am _____ of the firm of

_____, the bidder making the Proposal for the above named project, and that I executed the said Proposal with full authority to do so; and that said contractor so swears at this time that it is not included in the State of New Jersey's or the Federal Government's list of Debarred, Suspended or Disqualified Bidders. I furthermore understand that the Commission shall immediately notify the State and the Unit of Fiscal Integrity in writing whenever it appears that a bidder is on the State Treasurer's or the Federal Government's List. The State reserves the right in such circumstances to take such actions as are deemed appropriate pursuant to N.J.A.C. 17:19-4 et seq. or any applicable law or

(also type or print name of affiant under signature)

Subscribed and sworn to before me

this _____ day _____, 20____

(Seal) Notary Public of New Jersey

My Commission Expires _____

Addendum A

General Maintenance shall include but not be limited to:

1. Removal of trash and debris from operation of the theater and occupied spaces;
2. Vacuuming;
3. Dusting;
4. Removal of cob webs;
5. Washing of windows and doors with windows;
6. Changing of light bulbs;
7. Cleaning and maintenance of light fixtures;
8. Polishing of all brass;
9. Washing of tile and laminate floors;
10. Spot dry-cleaning of rugs when necessary;
11. Upkeep and removal of old and/or faded signage in exterior advertising boxes;
12. Upkeep of marquee with regards to signage and lighting fixtures;
13. Monthly inspection of fire extinguishers;
14. Monthly inspection of emergency lighting and exit signs;
15. Periodic inspection of seats and railings to insure that they are securely fastened to the floor or wall. Repair to those deemed to be loose;
16. All cleaning and upkeep of sanitary conditions in caterer's kitchen, cantina area and all bathrooms. This will include floors, grout, walls, sinks, lighting, cabinetry and appliances.
17. The Manager will maintain a contract with a pest control firm of the Manager's choosing for the purposes of monthly pest control inspections and treatments. Rodent infestation is the Manager's responsibility to treat unless the situation could be proven to be the fault of the Owner or a Third Party;
18. General maintenance (including lint removal) and repair of washer and dryer;
19. Safe storage of all props, equipment, costumes, furniture, food and drink supplies, etc. in all storage areas with regards to fire safety and sprinkler operation per the Ocean County Office of the Fire Marshal;
20. Replacement of ceiling tiles, glass and fixtures, etc. in bathrooms, dressing rooms, kitchen and/or cantina, box office and management office, etc. broken or damaged by the Manager, Manager's agents, employees, guests, licensees or invitees as a result of negligence or general wear;
21. Annual inspection of rigging and equipment per OSHA guidelines;
22. Monthly or quarterly walk-thru of the building in order to formulate a list of items which are or may be considered beyond the scope of the Manager and need to be reported to the Owner;